

§ 530.15

46 CFR Ch. IV (10–1–03 Edition)

(2) All services performed under the contract shall be re-rated in accordance with the otherwise applicable tariff provisions for such services with notice to the shipper within five (5) days of the date of prohibition or suspension; and

(3) Detailed notice shall be given to the Commission under § 530.9 within thirty (30) days of:

(i) The re-rating or other account adjustment resulting from prohibition or suspension under paragraph (b)(2) of this section; or

(ii) Final settlement of the account adjusted under § 530.10.

(c) *Agreements.* If the prohibited or suspended service contract was that of an agreement with no common tariff, the re-rating shall be in accordance with the published tariff rates of the carrier which transported the cargo in effect at the time.

Subpart E—Recordkeeping and Audit

§ 530.15 Recordkeeping and audit.

(a) *Records retention for five years.* Every common carrier, conference or agreement shall maintain original signed service contracts, amendments, and their associated records in an organized, readily accessible or retrievable manner for a period of five (5) years from the termination of each contract.

(b) (paragraph (b) is stayed until further notice.) *Where maintained.* (1) Service contract records shall be maintained in the United States, except that service contract records may be maintained outside the United States if the Chairman or Secretary of an agreement or President or Chief Executive Officer of the carrier certifies annually by January 1, on a form to be supplied by the Commission, that service contract records will be made available as provided in paragraph (c) of this section.

(2) *Penalty.* If service contract records are not made available to the Commission as provided in paragraph (c) of this section, the Commission may cancel any carrier's or agreement's right to maintain records outside the United States pursuant to the certification procedure of paragraph (b) of this section.

(c) *Production for audit within 30 days of request.* Every carrier or agreement shall, upon written request of the FMC's Director, Bureau of Enforcement, any Area Representative or the Director, Bureau of Economics and Agreements Analysis, submit copies of requested original service contracts or their associated records within thirty (30) days of the date of the request.

(d) *Agreement service contracts.* In the case of service contracts made by agreements, the penalties for a failure to maintain records pursuant to this section shall attach jointly and severally on all of the agreement members participating in the service contract in question.

§ 530.91 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The Commission has received OMB approval for this collection of information pursuant to the Paperwork Reduction Act of 1995, as amended. In accordance with that Act, agencies are required to display a currently valid control number. The valid control number for this collection of information is 3072-0065.

APPENDIX A TO PART 530—INSTRUCTIONS FOR THE FILING OF SERVICE CONTRACTS

Service contracts shall be filed in accordance with the instructions found on the Commission's home page, <http://www.fmc.gov>.

A. Registration, Log-on ID and Password

To register for filing, a carrier, conference, agreement or publisher must submit the Service Contract Registration Form (Form FMC-83) to BTCL. A separate Service Contract Registration Form is required for each individual that will file service contracts. BTCL will direct OIRM to provide approved filers with a log-on ID and password. Filers who wish a third party (publisher) to file their service contracts must so indicate on Form FMC-83. Authority for organizational filing can be transferred by submitting an amended registration form requesting the assignment of a new log-on ID and password. The original log-on ID will be canceled when a replacement log-on ID is issued. Log-on IDs and passwords may not be shared with, loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any log-on ID that is shared with, loaned to or used by parties other than the registrant.

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B. Filing

After receiving a log-on ID and a password, a filer may log-on to the service contract filing area on the Commission's home page and file service contracts. The filing screen will request such information as: filer name, Registered Persons Index ("RPI") number and carrier RPI number (if different); Service Contract and amendment number; and effec-

tive date. The filer will attach the entire service contract file and submit it into the system. When the service contract has been submitted for filing, the system will assign a filing date and an FMC control number, both of which will be included in the acknowledgment/confirmation message.

[64 FR 41042, July 29, 1999]

EXHIBIT 1 TO PART 530—SERVICE CONTRACT REGISTRATION [FORM FMC-83]

EXHIBIT 1 -- SERVICE CONTRACT REGISTRATION [FORM FMC-83]

ORGANIZATION NO. _____

PLEASE TYPE OR PRINT

SERVICE CONTRACT REGISTRATION

(SEE ATTACHED INSTRUCTIONS)

1. This Registration is:	<input type="checkbox"/> Initial	<input type="checkbox"/> Amendment (Specify change) _____
	<input type="checkbox"/> Dial-up	<input type="checkbox"/> Internet-based

2. Registrant

Full Legal Name of firm (or individual, if not a firm)

(Doing Business As)

3. Address of Home Office

_____ ()

(Number and Street) Telephone

_____ ()

(Number and Street) Fax

(City/State/Country) (Federal TIN Number) E - M a i l (optional)

4. Billing Address If Different

_____ ()

(Number and Street) Telephone

_____ ()

(Number and Street) Fax

(City/State/Country) E - M a i l (optional)

5. Organization Number (If known) _____

6. Registrant Type ☐ VOCC ☐ Tariff Publisher/Agent/Other

(Check one) ☐ Agreement ☐ Conference/Joint Service

7. Permissions Requested and Person granted these permissions (Check permissions that apply)

Full Legal Name

☐ Maintenance of organization record ☐ File Service Contracts

8. Registered for Batch Filing Prior to May 1, 1999? (Y/N) ____ If Yes, show date _____

If the person to perform the filing already has an existing Log-on, list only the Log-on for that person.

Existing Log-on _____

Signature of Authorized Official _____ date _____

Print or Type name of Authorized Official _____

FMC USE ONLY

Logon _____ Initial Password _____ ID _____ Directory _____

DateAsg ____ / ____ / ____ AsgBy _____ 3/01

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INSTRUCTIONS FOR FORM FMC-83

Instructions

Line 1. Registration. Indicate whether this is the initial (first time) registration or an amendment to an existing Service Contract Registration.

Line 2. Registrant. This must be the full legal name of the firm or individual registering for the FMC's Service Contract Filing System and any trade names. The registrant name should match the corporate charter or business license, conference membership, etc. It should be noted that the registrant name cannot be changed by the registrant after the registration without submission of an amended registration fee.

Line 3. Address of Home Office. The complete street address should be shown in addition to the post office box. Also, provide the registrant's Federal Taxpayer Identification Number ("TIN" Number).

Line 4. Billing Address if Different. This should be completed if the billing address differs from the home office address. Show the firm name (if different from the registrant), street address and post office box (if applicable).

Line 5. Organization Number. Complete if known. (Regulated Persons Index or "RPI" number.)

Line 6. Registrant Type. Indicate the type of organization. A registrant cannot be more than one type. This data cannot be changed by the registrant after registration without submission of an amended registration form.

Line 7. Permissions Requested and Person Granted These Permissions. Delegation of the authority to file should be noted here.

*Maintenance of Organization Record—*The person listed in line 8 is authorized to access the organization maintenance functions (i.e., modify organization information, assign publishers, affiliations, and d/b/as).

*Service Contract Filing—*The person listed in line 8 is authorized only to submit filings.

Line 8. Certified for Batch Filing. Indicate whether the registrant was registered with software certified to perform batch filings prior to May 1, 1999. Otherwise, the registrant must first be certified for batch filing as outlined in 46 CFR part 530. After certification, the registrant can submit an amended registration form to request permission for a person in their organization to perform the batch filing. If the person already has an existing log-on, the log-on (not the password) should be listed on the registration form. Also, the certification date received from the FMC should be listed on the registration form.

PART 535—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Subpart A—General Provisions

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535.101 Authority.
535.102 Purpose.
535.103 Policies.
535.104 Definitions.

Subpart B—Scope

- 535.201 Subject agreements.
535.202 Non-subject agreements.

Subpart C—Exemptions

- 535.301 Exemption procedures.
535.302 Non-substantive agreements and non-substantive modifications to existing agreements—exemption.
535.303 Husbanding agreements—exemption.
535.304 Agency agreements—exemption.
535.305 Equipment interchange agreements—exemption.
535.306 Non-exclusive transshipment agreements—exemption.
535.307 Marine terminal agreements—exemption.
535.308 Agreements between or among wholly-owned subsidiaries and/or their parent—exemption.
535.309 Miscellaneous modifications to agreements—exemptions.
535.310 Marine terminal services agreements—exemption.
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Subpart D—Filing of Agreements

- 535.401 General requirements.
535.402 Form of agreements.
535.403 Agreement provisions.
535.404 Organization of conference and interconference agreements.
535.405 Modifications of agreements.
535.406 Application for waiver.
535.407 Complete and definite agreements.

Subpart E—Information Form Requirements

- 535.501 General requirements.
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535.503 Information form for Class A/B agreements.
535.504 Information form for Class C agreements.
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